

Preliminary Remarks

Claims 24-26 and 32 are pending in this application. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct the fees from the Monsanto Company Deposit Account No. 13-4125. Applicants respectfully request reconsideration of the claims as amended and in view of the following remarks.

35 U.S.C. § 112, second paragraph rejection

Applicants acknowledge with appreciation the withdrawal of all rejections except a single 35 U.S.C. § 112, second paragraph rejection relating to the use of the term “gene” in Claim 24 and subsequent claims. As stated in a prior response to this rejection, the word “gene” as used in claim 24 refers in each instance to a “selectable marker gene” as that term is used in the specification (such as the phrase “marker gene”) on page 13, lines 24-32 and page 14, lines 1-14. As used therein, gene refers to the structural coding sequence capable of producing a marker gene product for selection of transformed plastids with any necessary regulatory elements to provide for such expression. Thus the phrase “selectable marker gene” is definite and supported by the definitions in the specification. The use of the word “gene” in claim 26 has been amended to recite a “DNA sequence of interest.” The Patent Office has found this unpersuasive and the amendments herein have been provided to further clarify the language in the claim and a limitation from previously amended claim 26 has been introduced into claim 24 for further clarity of the invention. Support for the amendments presented to address the rejection by the Examiner can be found throughout the specification, particularly at pages 12, line 16 through page 14, line 14; page 7, lines 3-11; as well as in Example 1. It is believed that the claims particularly point out and distinctly claim the inventive subject matter and that the rejection should be withdrawn.

Conclusion

Applicant respectfully requests reconsideration on the merits of the application as a whole. The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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